

Remarks/Arguments

In the Office Action claims 8-11 and 14-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, claim 8, 9 and 15 were indicated as being indefinite for having insufficient antecedent basis for the limitations "said adjacent second friction-lining segment" and "said first friction-lining segment". Claim 8, 9 and 15 have been amended to specifically recite the first and second friction-lining segments and it is submitted that this amendment to the claims overcomes the Examiners rejection under 35 U.S.C. §112. In view of the amendment to these claims it is respectfully requested that the Examiner withdraw the rejection for claims 8-11 and 14-20 under 35 U.S.C. §112.

In the Office Action claims 1-3, 6, 7 and 12 were rejected under 35 U.S.C. §102 (b) as being anticipated by the Berger reference. Claims 1 and 12, have been amended to recite the limitation of claim 6 that a groove that is positioned in the vicinity and bordering the at least one hole in the lock mechanism and/or lock counter-mechanism.

The Berger reference shows a brake disk with key slots at uniformly spaced intervals on its outer circumference. Metal key slot reinforcing members are secured to the annular disk at each of the key slots. The metal reinforcing members are held in place with rivets. The rivets are positioned in holes that extend through the brake disk adjacent the outer circumference of the disk. The Berger reference does not show at least one hole in the vicinity of the lock mechanism and/or the lock counter-mechanism as recited in applicants' claims. In addition, the Berger reference does not disclose or suggest a groove that is provided in the vicinity bordering the at least one hole that is provided in the lock mechanism and/or the lock counter-mechanism as defined by applicants' claims. Accordingly, the Berger patent does not disclose or suggest the invention defined by applicants' claims and the Examiner is requested to withdraw this basis of rejection for the claims.

Claim 13 was rejected under the 35 U.S.C. §103 (a) as being unpatentable over the Berger reference. Claim 13 is dependent upon claim 12 and as just presented the Berger reference does not show the combination of a friction segment having a lock mechanism and/or a lock counter-mechanism having at least one hole and a groove were the at least one hole is provided in the vicinity bordering the groove. Applicants' also agree with the Examiner that the Berger reference does not teach the specific way that the friction lining segments are punched or cut essentially perpendicular to a fiber direction as defined in applicants' claims. Accordingly, it is applicants' position that the Berger reference does not disclose or suggest the features contained in claim 13 and the Examiner is requested to withdraw this basis of rejection for the claim.

In the Office Action the Examiner indicated that claims 4 and 5 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 3 has been amended to include the limitations of claim 4 and it is submitted that amended claim 3 reflects claim 4 placed in independent form and that claim 3 is now in condition for allowance. Claim 5 has been amended to depend from claim 3 and it is submitted that claim 5 is also now in condition for allowance. As the limitation of claim 4 has been placed into claim 3, claim 4 has been canceled.

Claims 8-11 and 14-20 were indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. As previously indicated, claims 8, 9, and 15 have been amended to recite first and second friction-lining segments and it is submitted that this amendment overcomes the rejection under 35 U.S.C. §112, second paragraph, and that claims 8-11 and 14-20 are now in condition for allowance.

Appl. No. 10/690,381
Amdt. Dated August 11, 2005
Reply to Office Action of May 11, 2005

In view of the arguments and distinctions set forth above, it is applicants' position that the claims presented in this Amendment are in condition for allowance. Accordingly, a favorable action on the claims is respectfully requested.

Respectfully submitted,
EMCH, SCHAFFER, SCHAUB
& PORCELLO CO., L.P.A.

By: Charles R. Schaub
Charles R. Schaub
Reg. No. 27,518
Tel.: (419) 243-1294

CRS/jle